

**Board of Chiropractic Examiners**

2525 Natomas Park Drive, Suite 260
Sacramento, California 95833-2931
Telephone (916) 263-5355 FAX (916) 263-5369
CA Relay Service TT/TDD (800) 735-2929
Consumer Complaint Hotline (866) 543-1311
<http://www.chiro.ca.gov>

NOTICE OF PUBLIC MEETING**LEGISLATIVE COMMITTEE****January 8, 2009****9:00 a.m.****State Capitol****Senate Room 112****Sacramento, CA 95814****AGENDA****1. CALL TO ORDER**

Frederick Lerner, D.C., Chair
Francesco Columbu, D.C.

2. Approval of Minutes

May 22, 2008

3. Proposed Legislation to Increase License Fees**4. Newly Introduced Legislation of Interest to the Board****5. Public Comment****6. Future Agenda Items****7. Adjournment**

The Board of Chiropractic Examiners' paramount responsibility is to protect California consumers from the fraudulent, negligent, or incompetent practice of chiropractic care.

A quorum of the Board may be present at the Committee meeting. However, Board members who are not on the committee may observe, but may not participate or vote. Public comments will be taken on agenda items at the time the specific item is raised. The Committee may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-5355 or access the Board's Web Site at www.chiro.ca.gov.

The meeting is accessible to persons with physical disabilities. If a person needs disability-related accommodations or modifications in order to participate in the meeting, please make a request no later than five working days before the meeting to the Board by contacting Marlene Valencia at (916) 263-5355 ext. 5363 or sending a written request to that person at the Board of Chiropractic Examiners, 2525 Natomas Park Drive, Suite 260, Sacramento, CA 95833. Requests for further information should be directed to Ms. Valencia at the same address and telephone number.

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**BOARD OF CHIROPRACTIC EXAMINERS
MEETING MINUTES
LEGISLATIVE COMMITTEE****May 22, 2008****Hearing Room****1625 N. Market Blvd., Room S102
Sacramento, CA 95833****Committee Members Present**

Frederick Lerner, D.C., Chair

Francesco Columbu, D.C., Professional Member

Staff Present

Brian Stiger, Executive Officer

LaVonne Powell, Senior Staff Counsel

Marlene Valencia, Staff Services Analyst

Call to Order

Dr. Lerner called the meeting to order at 9:40 a.m.

Roll Call

Dr. Columbu called the roll. All committee members were present.

Approval of Minutes for March 27, 2008

Minutes were approved as submitted.

Senate Bill 1402

Mr. Stiger stated that he testified at the most recent legislative committee hearing informing the committee that the Board adopted a "Watch" position on the bill. He also stated that he and legal counsel drafted stronger enforcement language and forwarded to Senator Corbett's office for consideration.

Dr. Lerner stated that he had concerns with the \$2,000 reporting requirement, and he asked about the status of the proposed amendments from the Board.

Mr. Stiger stated that the proposed amendments put teeth in the bill to allow the Board to be more proactive.

Mr. Stiger offered an example of an insurance company that refused to provide pertinent information to enforcement staff because current law does not require insurance companies to provide the information.

Ms. Powell stated that without the documents many times the complaint seems more serious than previously thought. Ms. Powell clarified that we are seeking amendments to make it easier to collect information from insurance companies in order for staff to determine if they need to investigate further.

PUBLIC COMMENT

Dr. Charles Davis, International Chiropractic Association of California (ICAC) stated that the \$2,000 threshold reporting requirement is too low and questioned why this profession is being singled out.

MOTION: DR. COLUMBU MOVED TO TAKE A "SUPPORT IF AMENDED" POSITION ON THIS BILL AND CONTINUE TO WORK COOPERATIVELY WITH SENATOR CORBETT'S OFFICE.

SECONDED: DR. LERNER SECONDED THE MOTION.

VOTE 2-0

MOTION CARRIED

Any other legislative bills of interest to the board:

Senate Bill 1441 (Ridley-Thomas)

Dr. Lerner outlined the major requirements of the bill. Ms. Powell stated that the bill allows the board to participate in diversion meetings conducted by other healing arts boards under DCA.

PUBLIC COMMENT

Dr. Charles Davis, ICAC, is not opposed to this bill.

Kristine Schultz, California Chiropractic Association stated the association does not have a position on this bill.

MOTION: DR. COLUMBU RECOMMENDED THAT THE BOARD TAKE A "SUPPORT" POSITION ON THIS BILL

SECONDED: DR. LERNER SECONDED THE MOTION

VOTE 2-0

MOTION CARRIED

Assembly Bill 2969 (Lieber)

Dr. Lerner outlined the major requirements of the bill.

PUBLIC COMMENT

Caryle Brakensiek, California Society of Industrial Medicine and Surgery, stated his association is a co-sponsor of the bill. Mr. Brakensiek urged the Board to take a support position on this bill.

Dr. Charles Davis, ICAC, urged the Board to support of this bill.

Kristine Schultz, CCA, urged the Board to support this bill.

MOTION: DR. COLUMBU RECOMMENDED THAT THE BOARD TAKE A SUPPORT POSITION ON THIS BILL.

SECONDED: DR. LERNER SECONDED THE MOTION.

VOTE 2-0

MOTION CARRIED

ADJOURNMENT

Dr. Lerner adjourned the meeting at approximately 10:15 a.m.

Memorandum

To: **Brian Stiger, Executive Officer, Board of Chiropractic Examiners,
Department of Consumer Affairs**

From: **Michael Christensen, Legal Intern
Department of Consumer Affairs**

Date: **July 17, 2008**

Re: **License Fees**

You have indicated that the Board wants to raise license fees and have asked how to go about getting approval to raise the fees. The current state of the law is that license fees are not to exceed \$150, pursuant to section 12 of the Chiropractic Initiative Act. Any changes to the maximum amount originally had to be approved by the voters, but section 12.5 (added later by voter approval) permits the legislature to fix the amount *without* voter approval. You are correct that you can use 12.5 to sponsor legislation to raise the fees. It may be helpful to point out that the \$150 maximum has been around since 1983!

I have attached an analysis of the proposition approved by the voters in 1960 that gives the Legislature authority to fix the fees.

Joint Committee on Boards, Commissions & Consumer Protection

Sunset Review Report

September 2005

- The Board is carefully reviewing the current fee structure for several areas where fees are collected. The Board currently does not have the regulatory authority to collect the corporation annual report filing fee, duplicate renewal receipt fee, satellite renewal fee, and license certification fee, all fees it has historically charged. In order to realign the fee structure the Board is researching what the appropriate fee amount should be for the services rendered. Presently, the cost to prepare the document is more than the amount the Board charges.
- To ensure the Board is reimbursed for providing related services, the Board staff is proposing a new fee structure by securing proper authority to charge such fees and establishing them at the following levels:

Fee Schedule	Current Fee	Proposed Fee
Application Fee	\$100	*\$ 100
Initial License Fee	\$100	*\$ 100
Renewal Fee	\$150	*\$ 100
Duplicate Receipt/Renewal License***	\$ 5	\$ 25
Inactive License Renewal Fee	\$150	\$ 70
Forfeiture Fee (late renewal fee)	\$150	*\$ 100
College Approval Application Fee***	0	\$1,500
Continuing Education Course Fee	\$ 50	**\$ 30
Continuing Education Provider Fee***	0	\$ 350
Continuing Education Provider Renewal Fee***	0	\$ 200
Corporation Registration Application Fee	\$100	\$ 250
Corporation Special Report Filing Fee	\$ 5	\$ 40
Corporation Annual Renewal Fee***	\$ 10	\$ 150
License Certification/Out-of-State Verif.***	\$ 10	\$ 50
Reciprocal License Application Fee	\$ 25	\$ 125
Referral Service Application Fee	\$ 25	\$ 150
Replacement License Fee	\$ 25	\$ 40
Satellite Certificate Application Fee	\$ 5	\$ 50
Satellite Renewal Fee***	\$ 5	\$ 50

*Authority for fee amount is in the Act.

**Per each hour of course content requested.

***These fees will need to be established in the proposed fee regulation.

A revised fee structure is necessary to bring the charges more in-line with the services. It is anticipated that it will ultimately increase the Board's revenues. To offset the increased fees, a reduction in the annual renewal fee, forfeiture fee, and inactive license fee is proposed. Prior to any fee restructure the Board will consult with Department of General Services, which prepares the Board's fund condition to determine the impact of the revised fee schedule on the Board's overall budget.

**Current - Proposed License Fee Revisions
December 2008**

Fee Type	Current Fee	Proposed Fee Minimum	Proposed Maximum Fee
a. Application for DC Examination	\$100	\$125	\$350
b. Initial License Fee	\$100	\$125	\$250
c. Annual License Renewal (Active)	\$150	\$200	\$350
d. Annual License Renewal (Inactive)	\$150	\$200	\$350
e. Inactive License to Active License	\$25	\$70	\$150
f. Restoration of Cancelled License	\$300	\$200	\$350
g. Chiropractic College Application Fee	n/a	\$1500 + onsite inspection costs	
h. Chiropractic College Renewal Fee	n/a	\$250	\$500
i. Chiropractic Corporation Application	\$100	\$250	\$500
j. Chiropractic Corporation Annual Renewal	n/a	\$150	\$400
k. Satellite Office Application	\$5	\$75	\$150
l. Satellite Office Annual Renewal	\$5	\$50	\$150
m. Reciprocal License Application	\$25	\$125	\$350
n. CE Provider Application	n/a	\$350	\$500
o. CE Provider Annual Renewal	n/a	\$200	\$400
p. CE Course Approval Application	\$50	\$75	\$150
q. Referral Service Application	\$25	\$150	\$350
r. Referral Service Annual Renewal	n/a	\$100	\$300

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**Proposed Legislation to Increase License Fees****January 8, 2009**

The amount of fees prescribed by this article is fixed by the following schedule:

- (a) The fee for filing an application for the doctor of chiropractic examination shall be set by the board at a minimum of one hundred twenty five dollars (\$125) not to exceed three hundred fifty dollars (\$350).
- (b) The initial license fee for a doctor of chiropractic shall be set by the board at a minimum of one hundred twenty five dollars (\$125) not to exceed two hundred fifty dollars (\$250).
- (c) The annual renewal fee for a doctor of chiropractic shall be set by the board at a minimum of two hundred dollars (\$200) not to exceed three hundred fifty dollars (\$350).
- (d) The annual renewal fee for an inactive active doctor of chiropractic license shall be set at the same amount as the annual renewal fee of an active doctor of chiropractic license.
- (e) The fee for filing an application to return an inactive license to active status shall be set by the board at a minimum of seventy dollars (\$70) not exceed one hundred fifty dollars (\$150).
- (f) The fee for filing an application to restore a cancelled license to an active license shall be set at twice the annual renewal fee for a doctor of chiropractic.
- (g) The fee for filing an application for approval of a chiropractic school or college shall be set by the board at a minimum of one thousand five hundred dollars (\$1,500). The chiropractic school or college shall also pay for the actual costs of an onsite inspection conducted by the board, including, but not limited to, the travel, food, and lodging expenses incurred by an inspection team sent by the board.

- (h) The annual renewal fee for a chiropractic school or college shall be set by the board at a minimum of two hundred fifty dollars (\$250) not to exceed five hundred dollars (\$500).
- (i) The fee for filing an application to register a chiropractic corporation shall be set by the board at a minimum of two hundred fifty dollars (\$250) not to exceed five hundred dollars (\$500).
- (j) The annual renewal fee for a chiropractic corporation shall be set by the board at a minimum of one hundred fifty dollars (\$150) not to exceed four hundred dollars (\$400).
- (k) The fee for filing an application for a satellite certificate shall be set by the board at a minimum of seventy five dollars (\$75) not to exceed one hundred fifty dollars (\$150).
- (l) The annual renewal fee for a satellite certificate shall be set by the board at a minimum of fifty dollars (\$50) not to exceed one hundred fifty dollars (\$150).
- (m) The fee for filing an application for a reciprocal license shall be set by the board at a minimum one hundred twenty five dollars (\$125) not to exceed three hundred fifty dollars (\$350).
- (n) The fee for filing an application for a continuing education provider shall be set by the board at a minimum of three hundred fifty dollars (\$350) not to exceed five hundred dollars (\$500).
- (o) The annual renewal fee for a continuing education provider shall be set by the board at a minimum of two hundred dollars (\$200) not to exceed four hundred dollars (\$400).
- (p) The fee for filing an application to approve a continuing education course shall be set by the board at a minimum of seventy five dollars (\$75) not to exceed one hundred fifty dollars (\$150) for each course.
- (q) The fee for filing an application for a referral service application shall be set by the board at a minimum of one hundred fifty dollars (\$150) not to exceed three hundred fifty dollars (\$350).
- (r) The annual renewal fee for a referral service shall be set by the board at a minimum of one hundred dollars (\$100) not to exceed three hundred dollars (\$300).

- (s) The forfeiture fee or delinquency fee for subsections (c), (h), (j), (l), and (o) of this section shall be set at twice the annual renewal fee for that subsection.
- (t) Any charge made for duplication or other services shall be set at the cost of rendering the services.